

## REMARKS

Claims 22-41 have been canceled above, and new claims 42-62 have been entered above pursuant to the Request for Continuing Examination. In the Notice of Noncompliant Amendment, the Examiner is requiring that the claims submitted with the RCE represent the same invention as that elected and prosecuted earlier. (Note that claims 42-62 currently submitted are not the same as claims 42-61 submitted in the Amendment of February 23, 2006 which was withdrawn.)

The standard for Restriction, which determines whether or not the same invention is being claimed, is set forth in MPEP 802.01:

"The term "distinct" means that two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER (though they may each be unpatentable because of the prior art). It will be noted that in this definition the term related is used as an alternative for dependent in referring to subjects other than independent subjects." (emphasis in original.)

Thus, there are two requirements for "distinctive" claims, i.e. they are related to each other **and patentable over each other (in both directions)**. (The first requirement is to ensure that the claims are not "independent" of each other, which is a different ground for restriction.)

Claim 22, which was canceled but considered the same invention as originally elected, was not patentable over claim 42 because claim 42 includes virtually all the features of claim 22. Therefore, claim 42 and its dependent claims 43-51 should be entered and examined in the RCE.

Claim 22 was not patentable over claim 62 because claim 62 includes all the features of claim 22. Therefore, claim 62 should be entered and examined in the RCE.

10/068,400

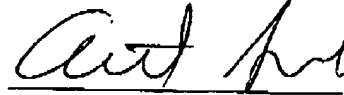
10

JP920000346US1

Claim 22 was not patentable over claim 52 because claim 52 includes virtually all the features of claim 22, although in apparatus form instead of method form and omits the composition of the substrate. Therefore, claim 52 and its dependent claims 53-61 should be entered and examined in the RCE.

Date: April 25, 2006  
Phone: 607-429-4368  
Fax: 607-429-4119

Respectfully submitted,



Arthur J. Samodovitz  
Reg. No. 31,297